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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,057

06/23/2003

James Michael Zamel

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30223 7590 12/27/2005

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EXAMINER

NGUYEN, PHILLIP

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/602,057	Applicant(s) ZAMEL ET AL	
	Examiner Phillip Nguyen	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/14/03, 9/22/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 14 recites in line 7 “one or more laser slab spacers between said first and slab housing members” which is indefinite.

Claim 17 fails to further limit the invention by not claiming the structure or material of the claimed device. A kit of laser slab is not a part of the laser slab housing.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-27 are rejected under 35 U.S.C. 102(b) as being anticipated by August, Jr. et al. (‘702).

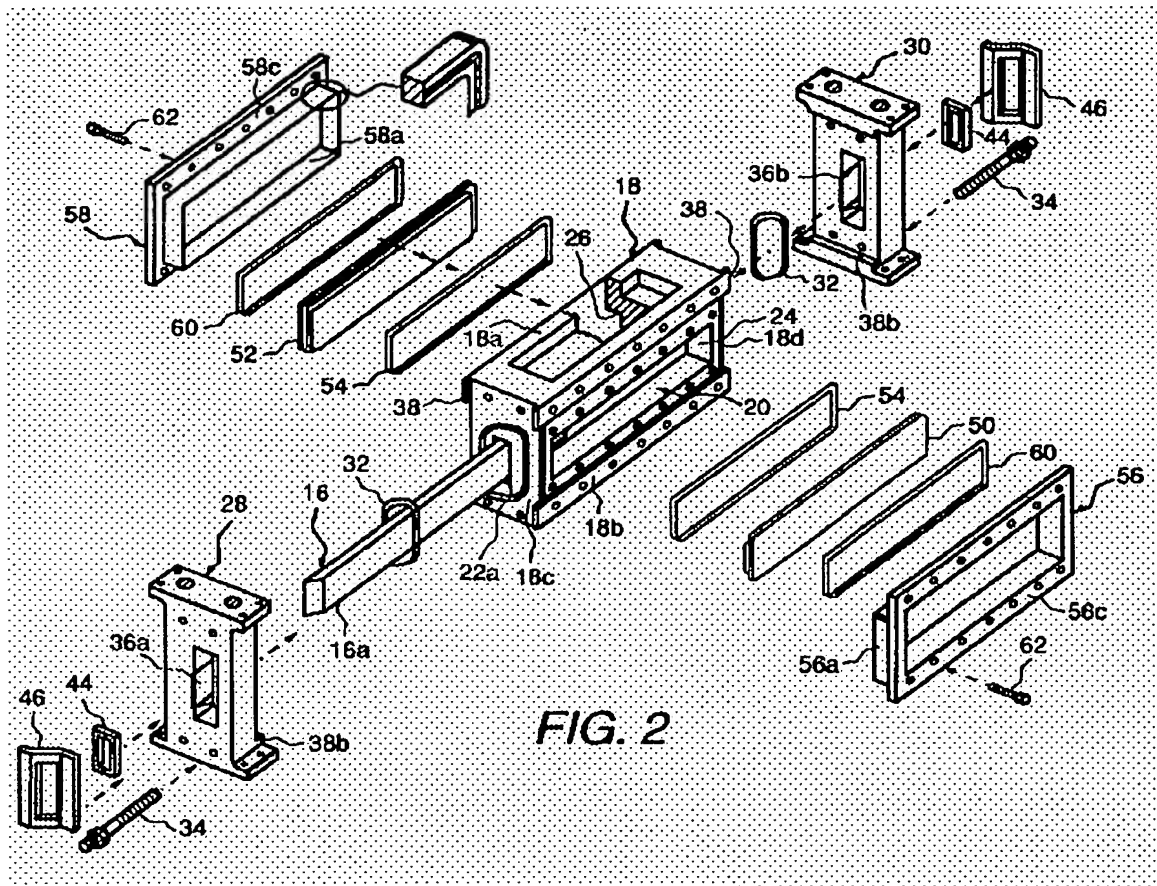


FIG. 2

With respect to claim 14, August discloses in Fig. 2 (above) a laser slab housing comprising first and second slab housing members (56) and (58) defining a space therebetween for accepting laser slabs of differing dimensions, said first and second slab housing members being separated by a slab housing dimension and each of said first and second slab housing members being separated from said laser slab by respective first and second slab distances; a laser slab within said space between said first and second slab housing members; and one or more laser slab spacers (18, 38, 50, 52, 54, 60) between said first and "second" slab housing members, lengths of said laser slab spacers defining said slab housing dimension and being replaceable with laser slab spacers having different lengths such that said slab housing dimension is alterable and at least one of said first and second slab distances remains approximately

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constant for laser slabs of differing dimensions (col. 5, line 67 to col. 6, lines 1-5). It is noted that August the windows 50 and 52, which are considered as spacers in this rejection, are moveable and replaceable. The slab housing dimension is alterable depending on either a compression force applied on the spacers (gaskets 54 and 60) when sealing or replacement windows with a slightly different dimensions.

With respect to claim 15, August further discloses at least one slab seal 32 adapted to be compressed to a compression width between one of said first and second slab housing members and said laser slab.

With respect to claims 16-17, with a differently-sized laser slab, for instance, the longer slab, it is believed that the lengths of spacers (18b, 54, 50, 60) are maintained constant.

With respect to claim 18, August also discloses one or more laser slab spacers (18, 38) have apertures therein for accepting assembly pins (62) holding said first and second slab housing members together.

With respect to claim 19, although August discloses the material being used for the spacers 18 as a suitable metal such as aluminum, titanium, or stainless steel, August does not explicitly teach the material being used for the slab housing members 56 and 58. It is believed that the same material is used for the slab housing member. However, in a different interpretation, the materials being used for the both slab housing members and spacers are the same. In this case, the slab housing members are considered as 46, the slab spacers are 44, 28, 32, 30, and 18b. Apparently, the O-rings (one or more spacers) can be compressed to different dimensions so that the housing dimension can be alterable. The spacers 18b and 28 are both made from stainless steel (col. 2, lines 55-59 and col. 3, lines 33-35).

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With respect to claim 20, August discloses at least one edge bar (18c), said at least one edge bar being adapted to accept at least one of said slab spacers (32) therethrough.

With respect to claims 21-27, since August discloses the product, it is inherent product by process for performing method as recited in the claims.

### *Citation of Pertinent References*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to August, Jr. et al. discloses Diode Pumped Slab Module, U.S. Patent No. 5475702

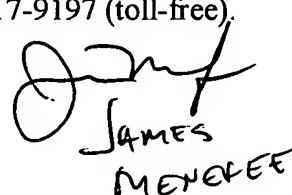
### *Communication Information*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Nguyen whose telephone number is 571-272-1947. The examiner can normally be reached on 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY, can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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